

769-222 DIV



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Ausnit Customer No.: 29540

Serial No. : 10/040,117

Filed : January 4, 2002

For : **PROCESS AND APPARATUS FOR FORMING
PACKAGING BAGS WITH FASTENER**

Examiner: John Sipos

Art Unit: 3721

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New York, New York 10036-7311
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REQUEST FOR SUSPENSION OF PROSECUTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant respectfully requests a suspension of prosecution of the above-identified

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed: Commissioner of Patents and Trademarks, P.O. Box 1450, Alexandria, VA 22313-1450, on September 15, 2004

Ronald E. Brown

Attorney

Handwritten signature of Ronald E. Brown.

Signature

September 15, 2004

Date of Signature

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Account No. 50-1145, Order No. 769-222 Div. 2.

application during the pendency of the requested reexaminations of U.S. Patent Nos. 6,290,391 and 6,347,885. The reason for this request for suspension of prosecution is that the presently rejected claims were copied from the '391 and '885 patents for the purpose of provoking an interference.

As stated in the Requests for Reexamination, the Office has taken inconsistent positions with respect to these claims (that is, the claims were found to be patentable over the prior art in the issued patent, yet unpatentable over the prior art when copied), and it is respectfully submitted that the reexaminations should resolve these issues.

It is respectfully submitted that this request is required by the inconsistent positions taken by the Office and that no fee is required pursuant to Rule 103(a)(2). However, if such fee is required, please charge any required fees to Deposit Account No. 50-1145, Order No. 769-222 Div. 2.

As an RCE is being filed herewith, there is no reply to an Office Action outstanding (see Rule 103(a)).

Respectfully submitted,



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